

## **REMARKS**

The Final Office Action of July 6, 2010, has been reviewed and these remarks are responsive thereto.

### **Status of the Claims**

Claims 1, 2, 6, and 13-28 have previously been cancelled. Claims 3-5, 7-12, 29-36, 38 have been amended. Thus, claims 3-5, 7-12, and 29-38 are pending. No new matter has been added.

### **Substance of Interview**

The applicants thank the examiner for the telephonic interview conducted on August 10, 2010. The interview was helpful, as agreement was reached that the enclosed amendments distinguished the independent claims over the Dureau and Mao references.

### **Independent Claims 3, 29, and 32**

Claims 3, 29, and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent Publication No. 2003/0135860 to Dureau ("*Dureau*") in view of the U.S. Patent Number 6,886,178 to Mao et al. ("*Mao*").

As discussed during the interview, the Office cites *Dureau*'s digital transport stream, but concedes that *Dureau* lacks the recited determining whether a protocol associated with the second payload is dissimilar from a protocol associated with a first payload. To address this deficiency, the Office combines *Dureau* with *Mao*, focusing on *Mao*'s digital signal (at digital receiver 13) and analog signal (at analog receiver 11) as the two recited payloads being determined. But even if combined, *Mao*'s analog and digital signals (at receivers 11 and 13) are not first and second digital payloads that were each carried in a digital transport stream, as now recited in claims 3, 29 and 32. Instead, one of those signals is analog. As agreed during the interview, the rejection is respectfully traversed for at least this reason.

### **Dependent Claims**

Each of the remaining claims stands rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of references that each include *Dureau* and *Mao*. Each of these claims depend from either claims 3, 29, or 32, and the other references do not cure the above-described deficiencies of *Dureau* and *Mao*. These claims are therefore allowable for at least the reasons discussed above, and further in view of the various features recited therein.

### **Conclusion**

All rejections having been addressed, the present application is believed to be in condition for allowance. Should the Examiner have any questions, the Examiner is invited to telephone the undersigned at the number below.

Respectfully submitted,

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